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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**Case No. 3:16-cr-00406-SI-2**

**v.**

**ORDER**

**VICTOR HUGO NAVARRO-  
GUTIERREZ,**

**Defendant.**

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SIMON, Judge:

Before the court is defendant Victor Hugo Navarro-Gutierrez's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255. For the reasons set forth below, I GRANT THE MOTION and VACATE the defendant's conviction as unconstitutional.

The defendant, Navarro-Gutierrez was provided ineffective assistance of counsel in violation of the Sixth Amendment of the United States Constitution with regard to his guilty plea to a

***ORDER GRANTING § 2255 MOTION TO VACATE CONVICTION***

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superseding information charging Possession with the Intent to Distribute Methamphetamine in violation of 21 U.S.C. § 841(a), (b)(a)(B). The joint motion to vacate and set aside the conviction and judgment is granted.

It is further ordered that defendant waived his right to pursue any other future collateral attacks or seek additional relief regarding his conviction and sentence, including his right to file a successive petition in this case.

IT IS SO ORDERED.

DATED this 13th day of March, 2019.



Hon. Michael H. Simon  
United States District Judge